

## **REMARKS**

In response to the Office Action dated November 4, 2010, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 45-49, 51-53, 55-60, 62-63, and 65-66 are pending in this application. Claims 1-44, 50, 54, 61, and 64 have been, or previously were, canceled without prejudice or disclaimer.

### **Rejection of Claims 45-49 & 51-55 under § 102 (e)**

The Office rejected claims 45-49 and 51-55 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,327,574 to Kramer, *et al.*

This rejection has been rendered moot by amendment. These claims have been amended to recite, or to incorporate, features that distinguish over *Kramer*. Independent claim 45, for example, has been amended to recite “*retrieving multiple identifiers of the content tag from the memory*” and “*retrieving the multiple identifiers of a corresponding profile tag from a user profile.*” Support for such features may be found at least at page 15, lines 14-24 and at page 16, lines 11-14. These identifiers are also illustrated in FIGS. 5 & 6 of the as-filed application. Independent claim 45 has also been amended to recite “*setting an initial value of a score to zero*” and “*successively comparing each identifier of the content tag to each corresponding identifier of the corresponding profile tag.*” Support for such features may be found at least at page 25, lines 10-13 and at page 26, line 21 through page 27, line 2. Independent claim 45 has also been amended to recite “*incrementing the score when an identifier in the content tag matches a corresponding identifier in the corresponding profile tag*” and “*comparing the score to a threshold value when all the multiple identifiers of the profile tag have been compared to all the multiple identifiers of the corresponding profile tag.*” Support for such features may be found at least at page 26, line 21 through page 27, line 14.

*Kramer* does not anticipate these features. *Kramer* discusses how content is selected to appeal to a profile. *Kramer*, for example, describes a webpage that may be customized according to the profile. See U.S. Patent 6,327,574 to *Kramer, et al.* at column 8, lines 15-23. HTML tags are included in the webpage, and *Kramer* evaluates the tags to the profile to produce content options. See *id.* at column 8, lines 24-35. *Kramer* then chooses the option “with the highest degree of appropriateness.” *Id.* at column 8, lines 35-40. *Kramer* also describes multiple, tagged television commercials that are compared to the profile for appropriateness. See U.S. Patent 6,327,574 to *Kramer, et al.* at column 9, lines 45-53. *Kramer* describes an “attribute vector” that is used in scoring “illuminations.” See *id.* at column 21, lines 51-60. Still, though, *Kramer* fails to teach or suggest “retrieving multiple identifiers of the content tag from the memory” and “retrieving the multiple identifiers of a corresponding profile tag from a user profile.” The patent to *Kramer, et al.* also fails to teach or suggest “setting an initial value of a score to zero” and “successively comparing each identifier of the content tag to each corresponding identifier of the corresponding profile tag.” The patent to *Kramer, et al.* also fails to teach or suggest “incrementing the score when an identifier in the content tag matches a corresponding identifier in the corresponding profile tag” and “comparing the score to a threshold value when all the multiple identifiers of the profile tag have been compared to all the multiple identifiers of the corresponding profile tag.” Independent claim 45, then, cannot be anticipated by *Kramer*.

Claims 45-49 and 51-55, then, are not anticipated by *Kramer*. Independent claim 45 recites distinguishing features, and the dependent claims incorporate these same distinguishing features and recite additional features. *Kramer*, then, cannot anticipate claims 45-49 and 51-55. The Office is thus respectfully requested to remove the § 102 (e) rejection of claims 45-49 and 51-55.

#### **Rejection of Claims 56-60 & 62-65 under § 103 (a)**

The Office rejected claims 56-60 and 62-65 under 35 U.S.C. § 103 (a) as being obvious over *Kramer* in view of U.S. Patent 6,081,840 to Zhao.

This rejection has also been rendered moot by amendment. These claims have been amended to recite, or to incorporate, features that distinguish over *Kramer*. Independent claim 56, for example, has also been amended to recite “*retrieving multiple identifiers of the content tag from the memory*” and “*retrieving the multiple identifiers of a corresponding profile tag from a user profile.*” Support for such features may be found at least at page 15, lines 14-24 and at page 16, lines 11-14. These identifiers are also illustrated in FIGS. 5 & 6 of the as-filed application. Independent claim 56 has also been amended to recite “*setting an initial value of a score to zero*” and “*successively comparing each identifier of the content tag to each corresponding identifier of the corresponding profile tag.*” Support for such features may be found at least at page 25, lines 10-13 and at page 26, line 21 through page 27, line 2. Independent claim 56 has also been amended to recite “*incrementing the score when an identifier in the content tag matches a corresponding identifier in the corresponding profile tag*” and “*comparing the score to a threshold value when all the multiple identifiers of the profile tag have been compared to all the multiple identifiers of the corresponding profile tag.*” Support for such features may be found at least at page 26, line 21 through page 27, line 14.

These features are not obvious over *Kramer* with *Zhao*. As the above paragraphs explained, *Kramer* does not teach or suggest all these features, and *Zhao* does not cure *Kramer*’s deficiencies. *Zhao* describes local and source servers for content. The local servers store content that is frequently requested, thereby reducing loading overhead at the source server. See U.S. Patent 6,081,840 to *Zhao* at column 4, lines 42-59. The combined teaching of *Kramer* with *Zhao*, then, still fails to teach or suggest all the features recited by independent claim 56.

Claims 56-60 and 62-65, then, are not obvious over *Kramer* with *Zhao*. Independent claim 56 recites distinguishing features, and the dependent claims incorporate these same distinguishing features and recite additional features. One of ordinary skill in the art, then, would not think that claims 56-60 and 62-65 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejection of Claim 66 under § 103 (a)**

The Office rejected claim 66 under 35 U.S.C. § 103 (a) as being obvious over *Kramer* and *Zhao* in view of U.S. Patent Application Publication 2002/0046099 to Frengut.

This rejection has also been rendered moot by amendment. Independent claim 66 has also been amended to recite “*retrieving multiple identifiers of the content tag from the memory*” and “*retrieving the multiple identifiers of a corresponding profile tag from a user profile.*” Independent claim 66 has also been amended to recite “*setting an initial value of a score to zero*” and “*successively comparing each identifier of the content tag to each corresponding identifier of the corresponding profile tag.*” Independent claim 66 has also been amended to recite “*incrementing the score when an identifier in the content tag matches a corresponding identifier in the corresponding profile tag*” and “*comparing the score to a threshold value when all the multiple identifiers of the profile tag have been compared to all the multiple identifiers of the corresponding profile tag.*”

Independent claim 66, then, is not obvious over *Kramer* with *Zhao* and *Frengut*. As the above paragraphs explained, both *Kramer* and *Zhao* do not teach or suggest all these features, and *Frengut* does not cure the deficiencies of *Kramer* and *Zhao*. The published application to Frengut presents a customized web page to a user. See U.S. Patent Application Publication 2002/0046099 to Frengut, *et al.* at paragraph [0026]. The user’s profile is compared to an ad profile and matching ads are retrieved. See *id.* The combined teaching of *Kramer* with *Zhao* and *Frengut*, though, still fails to teach or suggest all the features recited by independent claim 66.

Claim 66, then, is not obvious over *Kramer* with *Zhao* and *Frengut*. Independent claim 66 recites many distinguishing features, so one of ordinary skill in the art would not think that claim 66 is obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of this claim.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

**37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted via the USPTO EFS web interface on January 28, 2011.

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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